

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on October 14, 2010, Klaus Stoffel requested an extension of time for an additional month for a total of 2 MONTH(S) and authorized the Director to charge Deposit Account No. 02-2275 the required fee of \$180 (245-65) (\$65 was paid for one month extension on October 12, 2010) for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 25 and 31 have been amended as follows:

25. (Currently Amended) Device for producing multilayer, coextruded, tubular preforms made of thermoplastic material, with a coextrusion head (10) with several essentially coaxially arranged flow channels (FK1, FK2), each of which is fed from an individual inlet opening (ZF1, ZF2) with a material melt, which is annularly distributed in a distributor ring (26, 28) and flows along an annular conical frustum, wherein the material melts flow into a common annular flow channel (12) that widens like a funnel, with an annular accumulation chamber (14), in which a displaceable annular piston (16) can reciprocate, and with an annular discharge channel (18) that follows the annular

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accumulation chamber (14) and has an annular extrusion orifice (20) that can be closed, wherein, as viewed in a longitudinal section through the coextrusion head, the gap width (s1, s5) in the respective distributor ring (26, 28) is greater in the vicinity of the inlet opening (ZF1, ZF2) than the gap width (s2, s6) on the opposite side from the inlet opening (ZF1, ZF2), and that, as viewed in a longitudinal section through the coextrusion head, the gap width (s3, s7) in the respective flow channel (FK1, FK2) is smaller in the vicinity of the inlet opening (ZF1, ZF2) than the gap width (s4, s8) on the opposite side from the inlet opening (ZF1, ZF2), wherein each flow channel (FK1, FK2) opens into a first cylindrical ring (22, 24), wherein a region of quieted flow, which is formed as a common cylindrical ring (34), is provided between ~~the~~ a mouth (30), at which several material melts come together, and ~~the~~ a point of widening (32), at which the combined material melts enter the common flow channel (12), which widens like a funnel, and wherein the cross-sectional area (F34) of the common cylindrical ring (34) is equal to the sum of the cross-sectional areas (F22, F24) of the first cylindrical rings (22, 24).

31. (Currently amended) Device in accordance with Claim 25, wherein the length of the common cylindrical ring (34) is greater than or equal to twice the sum of the annular gaps (s9, s10) of the corresponding first cylindrical rings (22, 24).

2. Claims 25-28 and 31-38 are allowed. The species restriction requirement of Species B, claim 39, as set forth in the Office action mailed on March 31, 2009, has

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been reconsidered in view of the allowability of generic claims. **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claim 39 is no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable generic claim. Thus, claims 25-28 and 31-39 are allowed.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

3. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or reasonably suggest, the device as recited by instant claims 25-28 and 31-39, particularly wherein the region of quieted flow, which is formed as a common cylindrical ring, is provided between the mouth, at which several material melts come together, and the point of widening, at which the combined material melts enter the common flow channel, which widens like a funnel, wherein each flow channel opens into a first cylindrical ring, and wherein the cross-sectional area of the common cylindrical ring is equal to the sum of the cross-sectional areas of the first cylindrical rings.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH LEYSON whose telephone number is (571)272-5061. The examiner can normally be reached on M-F 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogendra N Gupta/
Supervisory Patent Examiner, Art Unit 1791

/J. L./
Examiner, Art Unit 1744